MARRIAGE AND DIVORCE—ALIENATION OF AFFECTIONS—ABATEMENT OF ACTION BY DEATH.—The plaintiff sued for the alienation of his wife's affections. Before the case was tried the plaintiff died and the lower court held that under section 4569 of Shannon's Code of Civil Procedure, which provided that actions for wrongs affecting the character of the plaintiff should abate by the death of either party, the action was abated. From this judgment the administrator of the plaintiff appealed on the ground that the suit should be revived in the name of the administrator. *Held,* that the judgment was correct. *Justice v. Clinard* (1920, Tenn.) 217 S. W. 663.

Both parties conceded that the action would abate at common law, so this case turns upon the interpretation of a particular provision in the Tennessee code. For an earlier interpretation that this statute covers actions for breach of promise of marriage, see *Weeks v. May* (1889) 87 Tenn. 443, 10 S. W. 771, 3 L. R. A. 212, note.

MARRIAGE AND DIVORCE—RIGHT TO HAVE A DIVORCE—CRUELTY.—A wife sued for divorce, alleging cruelty. Some of the facts presented to the court were that during the twenty-two months of married life, the defendant repeatedly called the plaintiff abusive names; had not accompanied her anywhere except upon two or three occasions, but spent his evenings with friends; and that he talked to her "just as little as he could get along with." His attitude toward her was one of cold and studied indifference; although he was thrifty and industrious and made adequate provision in material things. *Held,* that a decree of divorce should be granted. *Kreplin v. Kreplin* (1920, Wash.) 188 Pac. 14.

Whether the inference, that such "cruelty" was perpetrated as to create a right to have a divorce, is proper depends upon the existence of a variable aggregate of facts; for "what would be cruel to a delicate, sensitive woman might not be so to a brawling fishwife." *Button v. Button* (1920, Ore.) 188 Pac. 180. For an examination of different combinations of facts which have been held to constitute "cruelty," which operated to create a right to have a divorce, see COMMENT (1911) 20 YALE LAW JOURNAL, 581.

STATUTE OF FRAUDS—PAROL GIFT OF LANDS—ENFORCIBILITY.—The plaintiff brought a writ of entry. The defendant claimed a right to recover for improvements made, under a betterment statute, which allowed such claims where the land was occupied under a supposed legal title for more than six years. *Held,* that the defendant should not recover, because he had been in possession under the "license" of the plaintiff, with a *dictum* that one who has taken possession of land under a verbal gift from the owner and made permanent improvements thereon should have a decree of specific performance of the gift. *Phelan v. Adam* (1920, N. H.) 108 Atl. 814.

The *dictum* is in accord with the great weight of authority. See 5 Pomeroy, *Equity Jurisprudence* (2d ed. 1919) sec. 2250. The few jurisdictions which do not grant specific performance in such cases recognize the promisee's right to reimbursement for improvements and to a lien upon the land to secure payment of their value. *Cf. Glass v. Gaines* (1891) 13 Ky. L. Rep. 277, 17 S. W. 161. See *Coggins v. McKinney* (1919, S. C.) 99 S. E. 844, (1920) 29 YALE LAW JOURNAL, 357.